IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRP.No. 1435 of 2004()

{C.C.NO.1108/1973 OF THE TALUK LAND BOARD, ALATHUR}

.....

REVN. PETITIONER:

M.V.REMANI, 2ND FLOOR, RAMANEEYAM,
NEW 10/(OLD21) CHERI STREET, T.NAGAR, CHENNAI.

BY ADV. SRI.V.GIRI

RESPONDENTS:

1. STATE OF KERALA, REP. BY CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE TALUK LAND BOARD, ALATHUR.

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.3775/04 IN C.R.P.NO.1435/04

DISMISSED.

Sd/-
(PIUS C.KURIAKOSE)
18.7.2007. JUDGE

sk/-

//true copy//

P.S. To Judge.

PIUS C. KURIAKOSE, J.

C.R.P. No.1435 of 2004 B

Dated this the 18th day of July, 2007.

O R D E R

Heard. I find more than one good reason to set aside the impugned order passed by the Taluk Land Board, Alathur. Obviously, the order is passed without hearing the petitioner.

2. The petitioner, who was at Alathur at the time of initiation of the proceedings by the Taluk Land Board, had been shifting from place to place on account of exigencies of his service with the Railways. An application under Section 85 (8) of the Kerala Land Reforms Act [for short '**the Act']** has been submitted by the petitioner, on coming to know of the passage of the ex parte order in the case on 4.11.2004. That application is also stated to be pending. Learned counsel for the petitioner made available a copy of the judgment of this court in W.A.No.2151/04. The judgment will show that the application filed by the petitioner under Section 85(8) of the

Act is pending consideration of the Taluk Land Board at that time. In fact, in that judgment, the Taluk Land Board had been directed to take a decision on the application filed under Section 85(8), which was marked as Ext.P2 in the writ petition.

3. In view of both the reasons, I set aside the impugned order and direct the Taluk Land Board, Alathur to take a fresh decision in C.C.No.1108/03, along with the application filed by the petitioner under Section 85(8) of the Act, with notice to all affected parties. The interim order passed in this revision petition will continue till such time the Taluk Land Board takes decision, as directed above.

Civil Revision Petition is disposed of as above.

Sd/-

(PIUS C. KURIAKOSE)
JUDGE

sk/

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